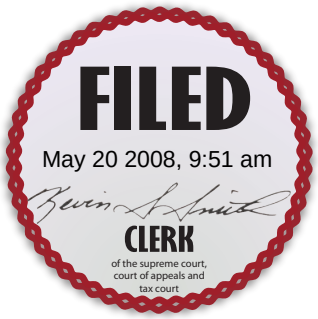

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IN THE
COURT OF APPEALS OF INDIANA

LARON W. EDWARDS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0711-CR-956
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
CRIMINAL DIVISION, ROOM 23
The Honorable Steven R. Eichholtz, Judge
Cause No. 49G23-0708-FD-162283

May 20, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Defendant, LaRon Edwards (Edwards), appeals his conviction for escape, as a Class D felony, Ind. Code § 35-44-3-5.

We affirm.

ISSUE

Edwards raises one issue for our review, which we restate as: Whether the State presented sufficient evidence to convict him of escape, as a Class D felony, beyond a reasonable doubt.

FACTS AND PROCEDURAL HISTORY

On July 31, 2007, Edwards was placed on home detention with work release privileges after being convicted of possession of marijuana. Pursuant to the home detention order, Edwards was to be inside of his home except when working or traveling directly to and from approved employment, with all employment to have a schedule with a fixed location. On August 7, 2007, Edwards had permission to work from 9:00 a.m. to 9:00 p.m. at the Naptown Grill in Indianapolis, Indiana. At 3:30 p.m., during his lunch break, Edwards left the restaurant and walked towards his grandfather's house, which was approximately one and one-half blocks from the restaurant. Officer Anthony Bath of the Indianapolis Metropolitan Police Department (Officer Bath) was patrolling the area on foot and came upon Edwards and another man sitting on the front steps of an abandoned house located next door to Edwards' grandfather's house. Officer Bath noticed an ankle bracelet on Edwards and

contacted community corrections, who reported that Edwards had been off monitoring since 8:45 that morning. Officer Bath placed Edwards under arrest.

That same day, the State filed an Information charging Edwards with escape, as a Class D felony, I.C. § 35-44-3-5. On September 18, 2007, the trial court conducted a bench trial. At the trial, a community corrections officer testified that on August 7, 2007, Edwards had permission to leave his home to go to work, but nowhere else. Edwards testified during the trial that he believed that he was permitted to leave work to eat lunch. The trial court convicted Edwards of escape, as a class D felony. On September 25, 2007, he was sentenced to 545 days in the Department of Correction.

Edwards now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

Edwards argues that the State did not present sufficient evidence to sustain his conviction for escape, as a Class D felony, beyond a reasonable doubt. Specifically, Edwards contends that the State did not present any evidence that he "knowingly" or "intentionally" violated the provisions of his house arrest agreement. (Appellant's Brief p. 5).

First, our general standard of review in regards to claims of insufficient evidence is well settled:

> In reviewing a sufficiency of the evidence claim, this court does not reweigh the evidence or judge the credibility of the witnesses. We will consider only the evidence most favorable to the verdict and the reasonable inferences drawn therefrom and will affirm if the evidence and those inferences constitute substantial evidence of probative value to support the judgment. A conviction may be based upon circumstantial evidence alone. Reversal is appropriate only when reasonable persons would not be able to form inferences as to each material element of the offense.

Perez v. State, 872 N.E.2d 208, 212-13 (Ind. Ct. App. 2007), *trans. denied* (citations omitted).

Indiana Code section 35-44-3-5(b) provides that "A person who knowingly or intentionally violates a home detention order or intentionally removes an electronic monitoring device commits escape, a Class D felony." Therefore, the State was required to provide sufficient evidence to prove beyond a reasonable doubt that Edwards "knowingly or intentionally" violated his home detention order. I.C. § 35-44-3-5(b). Our determination of what evidence is sufficient to prove that a defendant acted knowingly or intentionally is aided by our legislature's definition of those terms. Indiana Code section 35-41-2-2(a) states that "A person engages in conduct 'intentionally' if, when he engages in the conduct, it is his conscious objective to do so," and subsection (b) provides that "A person engages in conduct 'knowingly' if, when he engages in the conduct, he is aware of a high probability that he is doing so."

In reviewing the record before us, we note that the trial court was presented with the "Specific Conditions of Home Detention Contract," upon which Edwards initialed every separate condition and signed that he understood and agreed to the conditions. (State's Exhibit 1). Furthermore, during the trial, Edwards stated that he left work to go to his grandfather's house to get lunch and that, "I knew if you was [sic] on house arrest, you have to stay in your house unless you was [sic] at work." (Transcript p. 28). The trial court explained that it was clear from Edwards' testimony that he understood the terms of his home detention, and that he violated those terms. Moreover, although Edwards testified that he

thought he could leave work to go get lunch, Officer Bath found Edwards outside of an abandoned house with another man. We conclude that this was sufficient evidence to prove that Edwards "knowingly or intentionally" committed escape, as a Class D felony. *See* I.C. § 35-44-3-5(b).

CONCLUSION

Based on the foregoing, we conclude that the State presented sufficient evidence to prove beyond a reasonable doubt that Edwards committed escape, as a Class D felony.

Affirmed.

BAKER, C.J., and ROBB, J., concur.